

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hoa Thien DANG
Yannick MOYSAN

Serial No.: 10/557,284

Filed: November 17, 2005 (per PTO Records)
November 18, 2005 (Actual)

For: SUBSTRATE WITH AN ANTI-SOILING
COATING

Group Art Unit: 1773

Examiner: NAKARANI, DHIRAJLAL S

Atty. Dkt. No.: ESSR:087US

Confirmation No.: 8524

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: January 26, 2007

PETITION TO ACCORD FILING DATE UNDER 37 C.F.R. § 1.10(d)

MS PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A corrected filing date is hereby requested under 37 C.F.R. § 1.10(d) in view of an incorrect filing date apparently recorded by the United States Patent and Trademark Office (“USPTO”).

This error occurred due to a United States Post Office clerical error, and correction of the filing date actually makes the filing date one day later than that currently in the United States Patent and Trademark Office records. Further, Applicants are currently unaware of any impact that this one day difference in filing date could have on the patentability of the present claims.

However, Applicants file this petition to assure correctness of the USPTO records and any patent that issues from this application.

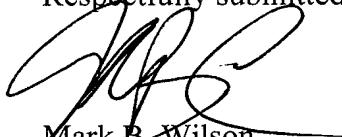
The facts of this situation are as follows. This application was filed on November 18, 2005, by deposit in the “Express Mail Post Office to Addressee” service with the United States Postal Service (“USPS”) in Austin, Texas, prior to the last scheduled pickup for that day. The “date-in” entered by the USPS on the “Express Mail” mailing label (attached as Exhibit A) is incorrectly written as November 17, 2005, which is evidenced by the fact that the “date-stamp” placed on the “Express Mail” mailing label is November 18, 2005. The above-captioned application was enclosed in an “Express Mail” envelope with an “Express Mail Post Office to Addressee” mailing label bearing the number EV 674812728 US. This Express Mail Number was placed on the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (attached as Exhibit B), submitted with the application prior to the original mailing by “Express Mail Post Office to Addressee” on November 18, 2005, further evidencing that this application was filed on November 18, 2005. Applicants also submit a copy of the “Fulbright & Jaworski Express Mail Log – Austin, Texas” (attached as Exhibit C), which came into being after deposit and within one business day of the deposit of the correspondence in the “Express Mail Post Office to Addressee” and includes Express Mail number EV 674812728 US, dated November 18, 2005, evidenced by the fact that the “date-stamp” placed on the Express Mail Log by the USPS is dated November 18, 2005.

In light of the above statements and attached Exhibits, Applicants respectfully request that the filing date of the application be corrected to November 18, 2005. No fees are believed to be due in connection with this petition. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby

authorized to deduct said fee from Fulbright & Jaworski, L.L.P. Deposit Account No. 50-1212/ESSR:087US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: January 26, 2007

EXHIBIT A

 EV 674812728 US		Customer Copy Label 11-F, April 2004	
ORIGIN (POSTAL SERVICE USE ONLY) PO ZIP Code 78701 Day of Delivery 13-65 Postage <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day \$ Scheduled Date of Delivery Return Receipt Fee Month 11 Day 21 \$ Scheduled Time of Delivery COD Fee Insurance Fee <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM \$ \$ Military Total Postage & Fees <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day \$ 13.65 Flat Rate <input type="checkbox"/> or Weight 1.96 Int'l Alpha Country Code Acceptance Emp. Initials lbs. ozs. 8			
CUSTOMER USE ONLY METHOD OF PAYMENT: A737780 Express Mail Corporate Acct. No. FROM: (PLEASE PRINT) MARK P. WILSON PHONE 512 536-3035 FUTORIUM & JANDASKI L.L.C. 600 CONGRESS AVE STE 2400 AUSTIN TX 78701-3271 ESSR:08705/10511994			
UNITED STATES POSTAL SERVICE® EXPRESS MAIL Post Office To Addressee DELIVERY (POSTAL USE ONLY) Delivery Attempt Time <input type="checkbox"/> AM Employee Signature 18 Mo. 11 Day 21 <input type="checkbox"/> PM Employee Signature 2005 Delivery Attempt Time <input type="checkbox"/> AM Employee Signature 18 Mo. 11 Day 21 <input type="checkbox"/> PM Employee Signature 2005 Delivery Date Time <input type="checkbox"/> AM Employee Signature 18 Mo. 11 Day 21 <input type="checkbox"/> PM Employee Signature 2005 <input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery. NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday _____ Customer Signature _____			
Federal Agency Acct. No. or Postal Service Acct. No. TO: (PLEASE PRINT) MAIL STOP PCY PHONE () COMMISSIONER FOR PATENTS P.O. BOX 1600 ALEXANDRIA VA 22313-1600 FEES			
FOR PICKUP OR TRACKING: Visit WWW.USPS.COM or Call 1-800-222-1811			

EXHIBIT B

EV674812728US

Approved for use through 3/31/2007, OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER ESSR:087US
INTERNATIONAL APPLICATION NO. PCT/EP2005/011415	INTERNATIONAL FILING DATE 21 October 2005	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
TITLE OF INVENTION SUBSTRATE WITH AN ANTI-SOILING COATING		PRIORITY DATE CLAIMED 22 October 2004
APPLICANT(S) FOR DO/EO/US Hoa Thien DANG; Yannick MOYSAN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input checked="" type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
	PCT/EP2005/011415	ESSR:087US

20. Other items or information:

PCT Request

The following fees have been submitted			CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	\$	300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0	\$	200.00	
All other situations.....	\$200			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0	\$		
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400			
All other situations.....	\$500		500.00	
TOTAL OF 21, 22 and 23 =			1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
23 - 100 =	0 /50 =	0	x \$250	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	13 - 20 =	0	x \$ 50	\$
Independent claims	2 - 3 =	0	x \$200	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =			\$ 1,000.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
SUBTOTAL =			\$ 1,000.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$	
TOTAL NATIONAL FEE =			\$ 1,000.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$	40.00
TOTAL FEES ENCLOSED =			\$ 1,040.00	
			Amount to be refunded:	\$
			Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ 1,040.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1212. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 32425

Express Mail No.: EV 674812728 US
Mailing Date: November 18, 2005

Michael J. Kowalski (51,898) for:

Michael R. Komensky

SIGNATURE

for Mark B. Wilson

NAME

37,259

REGISTRATION NUMBER

Morphy

AUG 12
FULBRIGHT & JAWORSKI EXPRESS MAIL LOG - AUSTIN, TEXAS

EXHIBIT C

DATE: 11-18-05

SIGNATURE:

(F&J EMPLOYEE)

SIGNATURE: _____
DATE: _____

(POSTAL AGENT)